

Clean-up and Minor Technical Changes

§ 1 Authority.

These regulations are promulgated by the ~~Reclamation Board~~ Central Valley Flood Protection Board pursuant to Water Code sections 8571 and 8608.

§ 3. Intent.

The State has a primary interest in:

- (1) Adequacy protecting lands subject to overflow;
- (2) Confining the waters of rivers, tributaries, bypasses, overflow channels, and basins within their respective boundaries;
- (3) Preserving the welfare of residents and landowners;
- (4) Maintaining and protecting ~~and the~~ banks of the Sacramento and San Joaquin Rivers, their tributaries, bypasses, overflow channels, and basins and;
- (5) Good and sufficient levees and embankments or other works of flood control and reclamation, to adequately protect lives and property from floods

The regulations are also intended to comply with the board's obligations to the U.S. Army Corps of Engineers pursuant to numerous assurance agreements, Corps Operation and Maintenance Manuals, 33 C.F.R. section 208.10 and 33 U.S.C. 408.

§ 4. Definitions

- (a) Adopted Plan of Flood Control. "Adopted Plan of Flood Control" means a flood control or reclamation strategy for a specific area that has been adopted by the board or the legislature and includes the following:
 - (1) In the case of project flood channels without levees, it means the natural stream channel and overbank area at design flood levels; ~~(see Article 5, Designated Floodways):~~
 - (2) In the case of project channel with levees, it means the area between and including the project levees, and includes:
 - (A) Additional area outside of the project levees where encroachments could affect the integrity, functioning or maintenance of the works (generally ten (10) feet landward of the levee tow);
 - (B) Any flowage areas that are part of the federal or state flood control project; and
 - (C) Areas where there are flowage easements; and
 - (3) In the case of designated floodways, it means the area between the encroachments lines. For purposes of this section, boundary lines and encroachment lines are interchangeable terms.
 - (4) Where levees are involved, the "Adopted Plan of Flood Control" extends at least ten (10) feet landward from the levee toe except where an operation and maintenance manual furnished pursuant to 33 C.F.R. 208.10 or the real property rights acquired by the board specifically provide otherwise.
- (b) Berm. "Berm" means the strip of ground between the waterward levee toe and the top of the bank of a low water channel.

- (c) Board. "Board" means The ~~Reclamation Board~~ Central Valley Flood Protection Board of the Resources Agency of the State of California as provided in Water Code section 8521.

§ 6. Need for a Permit

- (a) Every proposal or plan of work, including the placement, construction, reconstruction, removal, or abandonment of any landscaping, culver, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment or works of any kind, and including the planting, excavation, or removal of vegetation, and any repair or maintenance that involves cutting into the levee, wholly or in part within any area for which there is an adopted plan of flood control, must be approved by the board prior to the commencement of work.
- (b) Permits may be required by the board for existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised.
- (c) Every proposal or plan of work described in subdivision (a), but located outside an area over which there is an adopted plan of flood control, must be submitted to the board for approval prior to the commencement of work if it is foreseeable that the plan of work could be injurious to or interfere with the successful execution, functioning, or operation of any facilities of an adopted plan of flood control or of a plan under study. If in the ~~judgement~~ judgment of the ~~General Manager~~ Executive Officer, the plan of work is determined to be injurious to or interfere with an adopted plan of flood control or of a plan under study, the plan of work would be subject to requirements of this division.
- (d) Permits are not required for maintenance activities as defined in article 2, section 4 of this title.
- (e) The ~~General Manager~~ Executive Officer may waive the requirements for a permit for minor alterations within an adopted plan of flood control that would not be injurious to the adopted plan of flood control.

§ 7. Endorsement by Local Maintaining Agency

- (a) Prior to submitting an encroachment permit application to the board, the application must be endorsed by the agency responsible for maintenance of levees within the area of the proposed work, such as a reclamation district, drainage district, flood control district, levee district, county, or city. Endorsement or denial of the application by the maintaining agency does not preclude the board from either approving or denying the application. If endorsement by the maintaining agency is declined or is unreasonably delayed, the application may be submitted to the board for consideration, along with a satisfactory explanation for lack of an endorsement.

- (b) For the purposes of this section “endorsement” means conceptual plan approval, which may include recommended permit conditions of the local maintaining agency.
- (c) Applicants shall be advised by the board that permission for an encroachment may also be required from the local maintaining agency.
- ~~(d) This section does not apply where the department is the maintaining agency.~~

§ 8. Applications

- (a) All applications for approval must be on forms provide by the board. The board provides a standard application for most projects. When available, a special joint permit application may be used by the applicant. Applications to the board must be typewritten or in legible hand writing in ink and signed by or on behalf of the applicant. Applicants must furnish copies of other material as may be needed by the board and its staff to adequately determine the exact nature of the proposed work and its effect upon any project facilities or adopted plan of flood control. Applications and all associated material must be filed in quadruplicate (4 copies) with the office of the board. A copy of the standard application form is found in Appendix A. Applicants should contact the board if they believe their project may be eligible for a joint permit application form.
- (b) Information furnished to the board must include:
 - (1) A description of the proposed work, together with a statement of the dates the planned construction will be initiated and completed.
 - (2) A completed copy of the Environmental Assessment Questionnaire that accompanies the application form from the board (See Appendix A) and a copy of any draft and final environmental review document prepared for the project, such as an initial study, environmental assessment, negative declaration, notice of exemption, or environmental impact report. For any reasonably foreseeable significant environmental impacts, mitigation for such impacts shall be proposed.
 - (3) Complete plan and specification showing the proposed work, including a location map showing the site of the work with relation to topographic features; a plan view of the area; and adequate cross sections through the area of the proposed work. The plans must be drawn to scale and refer to National Geodetic Vertical Datum (NGVD), or other known datum. The plans must also indicate any project features such as levees and/or channels, roads, or other structures, and must show river mile or levee mile references. The dimensions of any proposed or existing fills, excavations, and construction must be given.
 - (4) Additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to board action on the application.
 - (5) The names and addresses of all landowners of the property on which the project is located and of all landowners adjacent to the property on which the project is located.
 - (6) The Board may waive minor variations in an application.

